

### REMARKS

Claims 1-2, 4-9 and 14-15 were examined by the Office, and in the final Office Action of September 28, 2007 all claims are rejected. With this response claims 1, 7, 9, 14, 19 and 23 are amended, and claims 8, 22 and 24 are canceled. All amendments are fully supported by the specification as originally filed. Support for the amendments to the claims can be found at least from page 3, lines 11-14, page 3, lines 28-29 and page 13, lines 15-18. Applicant respectfully request reconsideration and withdrawal of the objections and rejections in view of the following discussion.

This response is submitted along with a Request for Continued Examination (RCE).

#### Claim Objections

In section 5, on page 3 of the Office Action, claims 8-9 and 22-24 are objected to as being directed to an overlap of both a product and a process. Applicant respectfully submits that the objection to claims 8, 22 and 24 is moot in view of the cancellation of those claims. Furthermore, applicant respectfully submits that claims 9 and 23 are amended in a manner to clarify that the claims are directed to a computer program product. Accordingly, applicant respectfully requests withdrawal of the objections to claims 9 and 23.

#### Claim Rejections Under § 103

In section 8, on page 3 of the Office Action, claims 1-2, 4-9 and 14-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Theimer et al. (U.S. Patent No. 5,493,692) in view of well known art. Applicant respectfully submits that claim 1 is not disclosed or suggested by Theimer in view of well known art, because Theimer and the well known art fail to disclose or suggest all of the limitations recited in claim 1. Claim 1 is amended to recite filtering received e-mail according to a sender based filter characteristic selection, wherein the filter characteristics are defined in the user profile. Applicant respectfully submits that at least this limitation is not disclosed or suggested by Theimer and the well known art.

In contrast to Theimer, a feature that is selected for filtering as recited in claim 1, may not be changed or amended by the sender. Theimer discloses that messages are

delivered in accordance with features/properties that may be selected by the sender, such as a priority or the like. However, there is no disclosure or suggestion for a filter in which the user may select if or if not a message may be received from a certain person, i.e. a sender. All embodiments in Theimer in which some messages may be received are only related to properties such as "priority" or "privacy." However, in both cases all messages having the same "priority" or "privacy" level are treated in the same way, and both properties of the message may be selected by the sender.

Therefore, there is no disclosure or suggestion in Theimer that a user may have the option to select from which sender he wants to receive messages, and from which senders the user does not want to receive messages, as recited in claim 1. Even labeling a message as "private" does not suggest implementing a filter that allows a filtration according to parameters such as a sender's address.

While there may be filters available for filtering indiscriminately sent unsolicited bulk messages, i.e. spam. These filters allow a user to label a message from a certain sender as spam, but such spam filters do not use different filter parameters in accordance with the actual status of a user profile, as recited in claim 1. The conventional aspect of a spam filter resides in avoiding spam from a sender, and therefore messages from that sender are always considered unwelcome and thereby filtered at other times than when a certain user profile is presently activated. Therefore, there is no motivation why one skilled in the art would combine a spam filter and user agent discussed in Theimer in any other way than independently using the user agent and the spam filter. One of skill in the art would not arrive at a sender specific and user profile dependent filter based on the teachings of Theimer and a spam filter. The advantage of the present invention recited in the current claims resides in that messages to be received may be delivered only, if and when a respective user profile is selected.

The user may avoid receiving private messages during his working hours informing him about club meetings, private invitations, class reunions and other spare time activities. The user may also avoid being bothered by messages from work when being at home, on vacation, or other free time activities. In contrast to known spam filter applications in which it may be expected that a user does not want to receive any spam

at any time, the embodiment of the present invention allows a user to more clearly differentiate between work and free time activities for the reception of messages. The main effect of the present invention as recited in claim 1 resides in queuing a large number of messages until a change of the user profile is detected. This may lead to an increased number of received messages in case the user profile is changed. Therefore, for at least the reasons discussed above, claim 1 is not disclosed or suggested by the cited references, and applicant respectfully requests withdrawal of the rejection to claim 1.

Independent claims 7, 14 and 19 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by Theimer for at least the reasons discussed above in relation to claim 1.

The claims depending from claims 7, 14 and 19, are also not disclosed or suggested by Theimer at least in view of their dependencies.

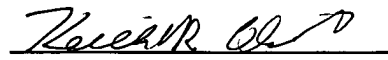
#### Conclusion

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The Commissioner is hereby authorized to charge to Deposit Account No. 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Dated: December 28, 2007

WARE, FRESSOLA, VAN DER  
SLUYS & ADOLPHSON LLP  
Building Five, Bradford Green  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 00495

  
Keith R. Obert  
Attorney for Applicant  
Registration No. 58,051